U.S. Serial No. 09/492,725   PATENT
                                                              Attorney Docket No.: PD-980142

REMARKS

The applicants have carefully considered the official action dated April 21, 2006, and

the references it cites. Claims 18-34 and 41-70 are pending and at issue in this application, of

which claims 18, 24, 41, 48, and 58 are independent. In the official action, claims 18-34 and

41-47 were rejected under 35 U.S.C. § 102(b) as anticipated by Gerace. By way of the

foregoing amendments, the applicants have amended claims 18, 24-34, 41, and 43-45 to

clarify the scope of protection sought. In addition, the applicants have added claims 48-67.

No new matter has been added. In view of the foregoing amendments and the following

remarks, the applicants respectfully traverse the rejections and submit that claims 18-34 and

41-47 are in condition for allowance. In addition, the applicants respectfully submit that new

claims 48-67 are in condition for allowance. The applicants respectfully request

reconsideration of this application.

Turning to the art rejections, the applicants respectfully submit that independent claim

18 is allowable over the art of record. Claim 18 is directed to a system that includes, *inter*

alia, a receiver at a subscriber site having a processor, a memory communicatively coupled to

the processor, and a second software routine stored in the memory adapted to be executed by

the processor to select a first group of advertising objects from received advertising objects

and image objects based on a local condition. The applicants respectfully submit that Gerace

does not teach or suggest a receiver at a subscriber site that selects a first group of advertising

objects from received advertising objects and image objects based on a local condition. On

the contrary, Gerace teaches a server (27) that stores a user computer object (37b) and a user

interface object (37c). *See Gerace*, p. 11, ll. 12-33. Although, the user computer object (37b)

indicates limitations and capabilities of a user's computer system and the user interface object

(37c) indicates display preferences (*see Id.*), the server (27) is not a receiver and is not

located at a subscriber site.

Page 13 of 16

In addition, although Gerace teaches receiving at a user's computer advertisements to be displayed, the user's computer does not select a first group of advertising objects from received advertising objects and image objects based on a local condition. As mentioned above, the user computer object (37b) and the user interface object (37c) are stored at the server (27) for use by the server (27) in selecting and transmitting the advertisements. In this manner, the user's computer need not select which advertisements to display because such selection is performed by the server (27). Instead, the user's computer in Gerace processes and displays all the advertisements transmitted by the server (27). Therefore, Gerace does not teach or suggest a receiver at a subscriber site having a processor, a memory communicatively coupled to the processor, and a second software routine stored in the memory adapted to be executed by the processor to select a first group of advertising objects from received advertising objects and image objects based on a local condition as recited in claim 18. Accordingly, the applicants respectfully submit that independent claim 18 and all claims dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claim 24 is also in condition for allowance. Independent claim 24 is directed to a method and recites, *inter alia*, determining if a received advertising object and its linked image objects are compatible with a receiver station based on one or more data elements within the received advertising object and the linked image objects and discarding the received advertising object if it is not compatible with the receiver station. Gerace does not teach or suggest discarding a received advertising object if it is not compatible with a receiver station. In addition, the record is completely devoid of any evidence to support the contention that Gerace teaches or suggests discarding a received advertising object if it is not compatible with a receiver station. Accordingly, the applicants respectfully submit that independent claim 24 and all claims dependent thereon are in condition for allowance.

The applicants respectfully submit that independent claim 41, is allowable over the art of record. Independent claim 41 is directed to a system and recites, *inter alia*, instructions that cause a processor to generate a plurality of advertisement objects, each of which includes data elements associated with <u>scheduling</u> and display of one of the digital advertisements and transmit the advertisement objects via a transmission data stream <u>to a receiver unit at a subscriber site</u>. Gerace does not teach or suggest transmitting advertisement objects via a transmission data stream <u>to a receiver unit at a subscriber site</u>, wherein each of the advertisement objects includes data elements associated with scheduling. Although Gerace teaches an ad package object (33b) and an ad series object (33c) that have start and end datetimes (*see Gerace*, Figs. 5B and 5C and p. 23, ll. 1-36), Gerace does not teach or suggest transmitting the ad package and series objects (33b and 33c) to a receiver unit at a subscriber site. Instead, Gerace teaches using the ad package and series objects (33b and 33c) at the server (27) to determine which advertisements to transmit to a user's computer. *See Id*, p. 29, ll. 1-34. Therefore, Gerace does not teach or suggest transmitting advertisement objects via a transmission data stream <u>to a receiver at a subscriber site</u>, wherein each of the advertisement objects includes data elements associated with scheduling. Accordingly, the applicants respectfully submit that independent claim 41 and claims 42-47 dependent thereon are in condition for allowance.
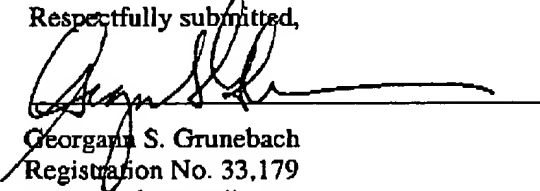
The applicants respectfully submit that independent claims 48 and 56 are also allowable over the art of record. Specifically, none of the art of record teaches or suggests each and every element recited in each of the independent claims 48 and 56. Accordingly, claims 48 and 56 and all claims dependent thereon are in condition for allowance.

U.S. Serial No. 09/492,725   PATENT
                                                  Attorney Docket No.: PD-980142

      In view of the foregoing, the applicants respectfully submit that this application is in

condition for allowance. If there are any remaining matters that the examiner would like to

discuss, the examiner is invited to contact the undersigned representative at the telephone

number set forth below.

Respectfully submitted,

Georgann S. Grunebach
Registration No. 33,179
Attorney for Applicants

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The DIRECTV Group, Inc.
RE / R11 / A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245
310-964-4615

Page 16 of 16